

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MIGUEL A. CINTRON, )  
Plaintiff/Defendant-In- )  
Counterclaim, )  
v. )  
PETER V. MCLOUGHLIN, )  
and SYSTEMS MARKETING, INC., )  
Defendants/Plaintiffs-In- )  
Counterclaim. )  
CIVIL ACTION NO. 04-11293-REK

**JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)**

Pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16.1, the parties hereby jointly file their Rule 16.1 Statement and proposed pre-trial schedule in anticipation of the Scheduling Conference currently scheduled for November 23, 2004.

## I. AGENDA OF MATTERS TO BE DISCUSSED

- A. The parties do not anticipate any phasing of discovery in this matter.
- B. Establishing a discovery plan and pre-trial order.
- C. Schedule for automatic disclosures.
- D. Plaintiff does not consent to trial by magistrate judge. Defendants consent to trial by magistrate judge.

## II. JOINT PROPOSED PRE-TRIAL SCHEDULE

### A. DISCOVERY

The parties agree to limit discovery as set forth in Fed. R. Civ. P. 26(b), with the right to seek additional discovery upon motion to the Court. The parties propose the following discovery activities and deadlines:

1. Initial Disclosures

The parties to serve Initial Disclosures by December 1, 2004.

2. Interrogatories

One set of interrogatories by each party, with each set of interrogatories limited to twenty-five (25) questions. Service of interrogatories by all parties on or before January 30, 2005.

3. Requests for Production of Documents

Two sets of Requests for Production of Documents served by each party, with each set limited to thirty (30) requests. Service of the first set of requests on or before January 30, 2005. Plaintiff requests that service of the second set of requests be on or before March 1, 2005, and Defendants request that service of the second set of requests be on or before August 15, 2005.

4. Requests for Admissions

All Requests for Admissions must be served on or before May 1, 2005.

5. Depositions

All depositions of fact witnesses completed by July 1, 2005. Expert depositions, if any, may be taken following expert disclosure (see below).

6. Expert Disclosures/Depositions

Pursuant to Fed. R. Civ. P. 26, Plaintiff to disclose all experts and reports by July 15, 2005. Defendant to make counter-designation by August 15, 2005. Expert discovery, if any, completed by September 30, 2005.

**B. MOTIONS SCHEDULE**

1. Motions for Summary Judgment filed by October 31 2005.

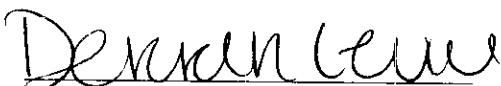
**C. FINAL PRE-TRIAL CONFERENCE** – December , 2005 or at the Court's convenience according to the Court's schedule.

**D. TRIAL** – February, 2006 or at the Court's convenience according to the Court's schedule.

Respectfully submitted,

MIGUEL A. CINTRON

By his attorney,



Peter F. Carr, II (BBO #600069)

DEVORAH A. LEVINE (BBO #650813)

**ECKERT, SEAMANS, CHERIN & MELLOTT, LLC**

One International Place, 18<sup>th</sup> Floor

Boston, Massachusetts 02110

Telephone No.: (617) 342-6800

Faxsimile No.: (617) 342-6899

DATED: November 15, 2004

Respectfully submitted,

PETER V. McLOUGHLIN  
and SYSTEMS MARKETING, INC.

By their attorney,



Michael Cosehino (BBO #558036)

MOLLY COCHRAN (BBO #551833)

**SEEGEL, LIPSHUTZ & WILCHINS, LLC**

60 William Street, Suite 200

Wellesley, Massachusetts 02481

Telephone No.: (781) 237-1400